

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 03-10262 & 03-10263

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT July 19, 2006 THOMAS K. KAHN CLERK
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D.C. Docket Nos.
2261-251-V-01-0 & IV-2001-6
4911-297-V-05-0 & IV-2001-8

THE SIERRA CLUB,

Petitioner,

versus

STEPHEN L. JOHNSON,
in his official capacity as Administrator of the
United States Environmental Protection Agency,
UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY,

Respondents.

Nos. 03-10264 & 03-10265

D.C. Docket Nos.
2273-313-0061-V-01-0 & IV-2001-10
2273-313-0003-V-01-0 & IV-2001-9

GEORGIA FOREST WATCH,

Petitioner,

versus

STEPHEN L. JOHNSON,
in his official capacity as Administrator of the
United States Environmental Protection Agency,
UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

Appeals from the United States District Court
for the Northern District of Georgia

(July 19, 2006)

Before EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH,
DUBINA, BLACK, CARNES, BARKETT, HULL, MARCUS, WILSON, and
PRYOR, Circuit Judges.

BY THE COURT:

The Court having been polled at the request of one of the members of the
Court and a majority of the Circuit Judges who are in regular active service not
having voted in favor of it (Rule 35, Federal Rules of Appellate Procedure;
Eleventh Circuit Rule 35-5), rehearing en banc is DENIED.

/s/

CHIEF JUDGE